

EOD NOV 12 '03

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

03 NOV 12 PM 4:00

WALTER SESSION, *et al.*,

Plaintiffs,

VS.

RICK PERRY, *et al.*,

Defendants.

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§CIVIL ACTION NO. 2:03-CV-354  
Consolidated**ORDER**

At the hearing held on November 3, 2003, the parties asked this court to enter an order to ensure that during the legally-required examinations of congressional redistricting Plan 1374C, enacted by the 78th Legislature, 3rd Called Session, 2003, preparations for the March 2004 general primary elections for the office of United States Representative can proceed in an orderly fashion.

The purpose of this order is to enable orderly preparations for the March 2004 general primary election, with the objective of avoiding delay of that election. This order recognizes that the redistricting plan in place, Plan 1151C, cannot be suspended, and Plan 1374C cannot be implemented, unless and until the Department of Justice preclearance process is successfully concluded. This court's order can, however, prevent delay of the March 2004 primary election caused by simple failure

to prepare to hold that election under the plan determined to be the legally enforceable plan in effect. The parties must take the steps not prohibited by state law to prepare to implement Plan 1374C promptly if and when it is determined to be the legally enforceable plan in effect, and, if not, to hold the election under Plan 1151C.

Consistent with these objectives and principles, this court enters the following orders:

1. Under present law, the candidate filing period is from December 3, 2003 to January 2, 2004. If Plan 1374C becomes legally enforceable before January 10, 2004, it would establish a supplemental filing period of January 11 to January 16, 2004. That would of necessity affect related deadlines, including the deadlines for congressional candidates to withdraw (currently set for January 7, 2004), and for the names of candidates to be certified for placement on the general primary ballot (currently set for January 12, 2004). Because this court cannot order changes to election procedures that would make Plan 1374C legally effective before it is legally enforceable, candidates may file applications under present law and the present plan, Plan 1151C, and file again under the new plan if and when it is determined to be legally enforceable.

2. Under present law, the period for the registrar to issue voter registration certificates is from November 15 to December 6, 2003. Counsel for the group of plaintiffs consisting of the Mayfield, Manley and Jackson Plaintiffs, the Texas Democratic Congressional Intervenors, and the Texas Democratic Party, and counsel for the State of Texas, have proposed that this period be deferred to begin in January 2004, to reduce voter confusion and to ensure that an orderly election is held under whichever plan is determined to apply. Deferring the dates for issuing voter registration cards does not appear prematurely to implement Plan 1374C. Rather, it simply allows the State to issue, and voters to receive, one voter registration card for the forthcoming election. It allows the State to prepare to hold the election in an orderly fashion under whichever plan is determined to apply. Accordingly, this court orders that the period for county voter registrars to issue voter registration certificates under sections 14.001 and 15.001 of the Texas Election Code will begin January 11, 2004.

3. Within one week from today, Geoffrey S. Connor, the Secretary of the State of Texas, will issue an official directive to all counties in the State instructing that, where applicable, they may begin drawing new voting precinct lines needed to conform with Plan 1374C. The directive will further instruct that the counties must also stand ready to use the precinct lines already in existence that conform with the


congressional districts under Plan 1151C and that the counties may not take steps to implement the revised precincts under Plan 1374C, including but not limited to publicly identifying polling places for those precincts or appointing precinct chairs, unless and until Plan 1374C is determined to be the legally enforceable plan in effect. The parties, their officers, agents, employees, attorneys, and successors in office, will not take any action to induce counties to take action contrary to the instructions specified above.

4. The parties, their officers, agents, employees, attorneys, and successors in office, will not take other actions, or instruct county officials or others to take other actions, that would foreclose the possibility of conducting the March 9, 2004 general primary election for the office of United States Representative under Plan 1151C or Plan 1374C.

SIGNED on November 12, 2003.

  
PATRICK E. HIGGINBOTHAM (for)  
UNITED STATES CIRCUIT JUDGE

  
LEE H. ROSENTHAL (for)  
UNITED STATES DISTRICT JUDGE

  
T. JOHN WARD  
UNITED STATES DISTRICT JUDGE